

JOURNAL OF THE SENATE

NINETIETH SESSION

THIRTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, January 30, 2015

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Pastor Peggy Stempson, followed by the Pledge of Allegiance led by Senate pages Amanda Halsey and Sentel Johnson.

Roll Call: All members present except Sens. Curd, Omdahl, and White who were excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twelfth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared SB 31, 32, and 35 and finds the same correctly enrolled.

Respectfully submitted,
Corey Brown, Chair

Also MR. PRESIDENT:

The Committee on Transportation respectfully reports that it has had under consideration SB 17 and returns the same with the recommendation that said bill be amended as follows:

17fa

On page 1, line 8, of the printed bill, overstrike "and any other person" and insert "who is".

And that as so amended said bill do pass and be placed on the consent calendar.

Respectfully submitted,
Mike Vehle, Chair

Also MR. PRESIDENT:

The Committee on Appropriations respectfully reports that it has had under consideration SB 24, 25, and 26 and HB 1057 and returns the same with the recommendation that said bills do pass.

Also MR. PRESIDENT:

The Committee on Appropriations respectfully reports that it has had under consideration SB 27 and returns the same with the recommendation that said bill be amended as follows:

27fa

On page 1, line 15, of the printed bill, after "." Insert "The remaining five hundred thousand dollars of project costs, plus any permitted adjustment pursuant to section 3 of this Act, shall be from funds received pursuant to section 4 of this Act.".

1 27ma

2 On page 2, line 4, of the printed bill, after "." insert "However, no adjustment to any cost
3 estimate may exceed one hundred twenty-five percent of the authorized expenditure authority
4 stated in section 2 of this Act."

5 And that as so amended said bill do pass.

6 Respectfully submitted,
7 Deb Peters, Chair

8 Also MR. PRESIDENT:

9 The Committee on Local Government respectfully reports that it has had under
10 consideration SB 87 and 88 and returns the same with the recommendation that said bills do
11 pass and be placed on the consent calendar.

12 Respectfully submitted,
13 Bob Ewing, Chair

14 Also MR. PRESIDENT:

15 The Committee on Taxation respectfully reports that it has had under consideration SB 93
16 and HB 1016, 1017, 1018, and 1019 and returns the same with the recommendation that said
17 bills do pass and be placed on the consent calendar.

18 Respectfully submitted,
19 Jeff Monroe, Chair

20 Also MR. PRESIDENT:

21 The Committee on State Affairs respectfully reports that it has had under consideration
22 SB 49 and HB 1051 and returns the same with the recommendation that said bills do pass.

23 Also MR. PRESIDENT:

24 The Committee on State Affairs respectfully reports that it has had under consideration
25 SB 113 and returns the same with the recommendation that said bill do pass and be placed on
26 the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on State Affairs respectfully reports that it has had under consideration
3 SJR 1 and SB 84 which were tabled.

4 Respectfully submitted,
5 Tim Rave, Chair

6 Also MR. PRESIDENT:

7 The Committee on Health and Human Services respectfully reports that it has had under
8 consideration HB 1013 and returns the same with the recommendation that said bill do pass.

9 Also MR. PRESIDENT:

10 The Committee on Health and Human Services respectfully reports that it has had under
11 consideration HB 1012 and returns the same with the recommendation that said bill do pass and
12 be placed on the consent calendar.

13 Also MR. PRESIDENT:

14 The Committee on Health and Human Services respectfully reports that it has had under
15 consideration SB 77 and returns the same with the recommendation that said bill be amended
16 as follows:

17 77ra

18 On page 1, line 3, of the printed bill, delete "Notwithstanding any other provisions of law,
19 a" and insert "A".

20 On page 1, line 5, after "present" insert "as long as the mother is in compliance with all
21 other state and municipal laws. However, no municipality may outright ban breast feeding in
22 public places".

23 And that as so amended said bill do pass.

24 Respectfully submitted,
25 Bruce Rampelberg, Chair

1

2

3

5

6

8

9

11

12

13

15

16

23

25

1 Was read the first time, the President waived the referral to committee, and placed
2 HCR 1005 on the calendar of Tuesday, February 3, the 14th legislative day.

3 **CONSIDERATION OF REPORTS OF COMMITTEES**

4 Sen. Rave moved that the reports of the Standing Committees on
5 Agriculture and Natural Resources on SB 75 as found on page 227 of the Senate Journal;
6 also
7 Commerce and Energy on SB 72 as found on page 228 of the Senate Journal; also
8 Commerce and Energy on HB 1026 as found on page 229 of the Senate Journal be adopted.
9 Which motion prevailed.

10 **CONSIDERATION OF EXECUTIVE APPOINTMENT**

11 The Senate proceeded to the consideration of the executive appointment of Judge John
12 Bastian of Butte County, Belle Fourche, South Dakota, to the State Board of Regents.

13 The question being "Does the Senate advise and consent to the executive appointment of
14 Judge John Bastian pursuant to the executive message as found on page 232 of the Senate
15 Journal?"

16 And the roll being called:

17 Yeas 32, Nays 0, Excused 3, Absent 0

18 Yeas:

19 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
20 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
21 Lederman; Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);
22 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle

23 Excused:

24 Curd; Omdahl; White

25 So the question having received an affirmative vote of a majority of the members-elect, the
26 President declared the appointment confirmed.

1 **CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS**

2 The Senate proceeded to the consideration of the executive appointment of Myron
3 Williams of Pennington County, Wall, South Dakota, to the State Brand Board.

4 The question being "Does the Senate advise and consent to the executive appointment of
5 Myron Williams pursuant to the executive message as found on page 227 of the Senate
6 Journal?"

7 And the roll being called:

8 Yeas 32, Nays 0, Excused 3, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
11 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
12 Lederman; Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);
13 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle

14 Excused:

15 Curd; Omdahl; White

16 So the question having received an affirmative vote of a majority of the members-elect, the
17 President declared the appointment confirmed.

18 The Senate proceeded to the consideration of the executive reappointment of Bart Blum
19 of Lyman County, Reliance, South Dakota, to the State Brand Board.

20 The question being "Does the Senate advise and consent to the executive reappointment
21 of Bart Blum pursuant to the executive message as found on page 228 of the Senate Journal?"

22 And the roll being called:

23 Yeas 32, Nays 0, Excused 3, Absent 0

24 Yeas:

25 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
26 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
27 Lederman; Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);
28 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle

29 Excused:

30 Curd; Omdahl; White

1 So the question having received an affirmative vote of a majority of the members-elect, the
2 President declared the reappointment confirmed.

3 The Senate proceeded to the consideration of the executive reappointment of Donald A.
4 Kirkegaard of Meade County, Sturgis, South Dakota, to the SD Board of Education.

5 The question being "Does the Senate advise and consent to the executive reappointment
6 of Donald A. Kirkegaard pursuant to the executive message as found on page 232 of the Senate
7 Journal?"

8 And the roll being called:

9 Yeas 32, Nays 0, Excused 3, Absent 0

10 Yeas:

11 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
12 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
13 Lederman; Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);
14 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle

15 Excused:

16 Curd; Omdahl; White

17 So the question having received an affirmative vote of a majority of the members-elect, the
18 President declared the reappointment confirmed.

19 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

20 The President declared that SB 105 was withdrawn at the request of the prime sponsor
21 pursuant to Joint Rule 6B-1.1.

22 SB 171 Introduced by: Senators Tieszen and Olson and Representative Partridge

23 FOR AN ACT ENTITLED, An Act to authorize residents with out-of-state driver licenses
24 to maintain resident hunting, fishing, and trapping privileges.

25 Was read the first time and referred to the Committee on Agriculture and Natural
26 Resources.

27 SB 172 Introduced by: The Committee on Appropriations at the request of the Office of
28 the Governor

1 FOR AN ACT ENTITLED, An Act to strengthen the financial practices of the State of
2 South Dakota.

3 Was read the first time and referred to the Committee on Appropriations.

4 SB 173 Introduced by: The Committee on Appropriations at the request of the Office of
5 the Governor

6 FOR AN ACT ENTITLED, An Act to make appropriations from the water and
7 environment fund, the water pollution control revolving fund subfund, and the drinking water
8 revolving fund subfund for various water and environmental purposes, to revise the state water
9 plan, to increase the authority of the South Dakota Board of Water and Natural Resources to
10 make consolidated water facilities construction program awards, and to declare an emergency.

11 Was read the first time and referred to the Committee on Appropriations.

12 SB 174 Introduced by: The Committee on Appropriations at the request of the Office of
13 the Governor

14 FOR AN ACT ENTITLED, An Act to make an appropriation for the Ross Shaft at the
15 Sanford Underground Research Facility and to declare an emergency.

16 Was read the first time and referred to the Committee on Appropriations.

17 SB 175 Introduced by: Senators Greenfield (Brock), Curd, Novstrup (David), Olson, and
18 Omdahl and Representatives Kaiser, Bartling, Beal, Brunner, Campbell, Craig, DiSanto,
19 Greenfield (Lana), Harrison, Hawley, Klumb, Langer, Latterell, Marty, May, Russell,
20 Schoenbeck, Schoenfish, Stalzer, Tulson, Wiik, Wollmann, and Zikmund

21 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the vehicles with
22 military speciality plates that are not subject to annual registration fees.

23 Was read the first time and referred to the Committee on Transportation.

24 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

25 HB 1055: FOR AN ACT ENTITLED, An Act to repeal certain outdated and unnecessary
26 statutes and administrative rules related to the Department of Agriculture.

27 Was read the first time and referred to the Committee on Agriculture and Natural
28 Resources.

1 HB 1056: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
2 Department of Agriculture.

3 Was read the first time and referred to the Committee on Agriculture and Natural
4 Resources.

5 HB 1076: FOR AN ACT ENTITLED, An Act to permit the submission of a title insurance
6 policy in lieu of an abstract in certain instances.

7 Was read the first time and referred to the Committee on Judiciary.

8 HB 1085: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
9 requirement for performance securities.

10 Was read the first time and referred to the Committee on Commerce and Energy.

11 HB 1088: FOR AN ACT ENTITLED, An Act to permit procurement of certain disability
12 insurance from a non-admitted insurer.

13 Was read the first time and referred to the Committee on Commerce and Energy.

14 **SECOND READING OF CONSENT CALENDAR ITEMS**

15 SB 78: FOR AN ACT ENTITLED, An Act to authorize counties or medical providers to
16 recover inmate healthcare costs from insurers.

17 Was read the second time.

18 The question being "Shall SB 78 pass as amended?"

19 And the roll being called:

20 Yeas 32, Nays 0, Excused 3, Absent 0

21 Yeas:

22 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
23 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
24 Lederman; Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);
25 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle

26 Excused:

27 Curd; Omdahl; White

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 SB 37: FOR AN ACT ENTITLED, An Act to adopt the 2008 Uniform Interstate Family
4 Support Act, to repeal the 1996 Uniform Interstate Family Support Act, and to revise certain
5 provisions relating thereto.

6 Was read the second time.

7 The question being "Shall SB 37 pass?"

8 And the roll being called:

9 Yeas 32, Nays 0, Excused 3, Absent 0

10 Yeas:

11 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
12 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
13 Lederman; Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);
14 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle

15 Excused:

16 Curd; Omdahl; White

17 So the bill having received an affirmative vote of a majority of the members-elect, the
18 President declared the bill passed and the title was agreed to.

19 HB 1036: FOR AN ACT ENTITLED, An Act to codify legislation enacted in 2014.

20 Was read the second time.

21 The question being "Shall HB 1036 pass?"

22 And the roll being called:

23 Yeas 32, Nays 0, Excused 3, Absent 0

24 Yeas:

25 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
26 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
27 Lederman; Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);
28 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle

29 Excused:

30 Curd; Omdahl; White

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 HB 1024: FOR AN ACT ENTITLED, An Act to repeal certain outdated and unnecessary
4 statutes related to the Department of Labor and Regulation.

5 Was read the second time.

6 The question being "Shall HB 1024 pass?"

7 And the roll being called:

8 Yeas 32, Nays 0, Excused 3, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
11 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
12 Lederman; Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);
13 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle

14 Excused:

15 Curd; Omdahl; White

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill passed and the title was agreed to.

18 HB 1025: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding banks
19 and banking.

20 Was read the second time.

21 The question being "Shall HB 1025 pass?"

22 And the roll being called:

23 Yeas 32, Nays 0, Excused 3, Absent 0

24 Yeas:

25 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
26 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
27 Lederman; Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);
28 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle

29 Excused:

30 Curd; Omdahl; White

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 HB 1028: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding money
4 transmitters and money transmissions.

5 Was read the second time.

6 The question being "Shall HB 1028 pass?"

7 And the roll being called:

8 Yeas 32, Nays 0, Excused 3, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
11 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
12 Lederman; Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);
13 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle

14 Excused:

15 Curd; Omdahl; White

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill passed and the title was agreed to.

18 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

19 Sen. Rave moved that SB 69, 71, 70, 82, 76, 89, 67, 66, and 39 be deferred to Tuesday,
20 February 3, the 14th legislative day.

21 Which motion prevailed.

22 **SIGNING OF BILLS**

23 The President publicly read the title to

24 SB 31: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
25 coordination of benefits between health plans.

26 SB 32: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding veteran's
27 preference for all veterans who are United States citizens who seek employment with the state,
28 a county, or a municipality.

1 SB 35: FOR AN ACT ENTITLED, An Act to repeal certain outdated and unnecessary
2 statutes and rules related to the Department of Veterans Affairs.

3 And signed the same in the presence of the Senate.

4 Sen. Vehle moved that the Senate do now adjourn, which motion prevailed and at 1:36 p.m
5 the Senate adjourned.

6 Kay Johnson, Secretary